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SDNY PRO SE OFFICE
OfficialMerchandise.com, LLC
2024 JUN 11 AM 11:58
23046 Avenida de la Carlota, Ste. 600
Laguna Hills, CA 92653

Date: June 6, 2024

To: The Honorable Judge Carter c/o Pro Se Office
United States District Court for the Southern District of New York
500 Pearl Street, New York, NY 10007

From: Steven Newman, CEO and Majority Shareholder of OfficialMerchandise.com,
LLC

RE: Civil Action No. 1:24-cv-3303 Sanjay Sookul v. OfficialMerchandise.com, LLC

Dear Judge Carter,

I was directed to contact you via the Pro Se Office.

On May 24th, a Motion to Dismiss this complaint was served on Kimmia Salehi, Esq., the Attorney for the Plaintiff in this case. I am attaching the Motion and Proof of Service. The Company has been restricted from filing this Motion and Proof of Service with the Clerk since we are Pro Se.

Since serving the Motion to Dismiss, I have learned that the Plaintiff in this case has filed approximately 80 ADA lawsuits within the Southern District of New York, with as many as 10 lawsuits filed in a single day. I have attached a list of these lawsuits.

The Plaintiff has recently made a "Demand" of a large payment under threat of litigation.

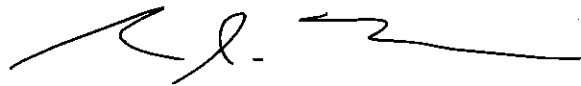
Given the frequency of and predatory nature of the filing of lawsuits, I believe that the Plaintiff may have violated New York State laws and I have filed a Civilian Crime Report with the United States Attorney's Office, Southern District of New York.

I respectfully request that you dismiss this case for the reasons noted in the Motion and given the Plaintiff's Bad Faith in bringing forth these lawsuits.

In the event this case is not dismissed, I respectfully request the opportunity to respond to the Plaintiff's allegations and defend this case should this matter go to Trial as OfficialMerchandise.com, LLC does not have the financial means to retain Counsel and given that the Plaintiff is explicitly using the threat of expensive litigation in seeking a large payment. Otherwise, if I am not allowed to defend the interests of the Company, and a default judgment were entered, I believe that would be a very inequitable result for the Company and further encourage the Plaintiff to escalate its predatory ADA complaints against small businesses such as OfficialMerchandise.com, LLC.

Thank you very much for consideration of my requests on behalf of OfficialMerchandise.com, LLC.

Best regards,

A handwritten signature in black ink, appearing to read 'S. Newman', with a long horizontal line extending to the right.

Steven Newman, CEO

OfficialMerchandise.com, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SANJAY SOOKUL, on behalf of himself and all

Civil Action No.

1:24-cv-3303

others similarly situated,

Plaintiffs,

v.

OFFICIALMERCHANDISE.COM LLC

Defendant

**DEFENDANT'S MOTION TO DISMISS PURSUANT
TO FED. R. CIV. 12(b)(3)**

- Defendant brings this Motion to Dismiss Plaintiffs' Complaint for the following reasons:

- 1) Plaintiff has filed a Complaint against Defendant alleging various claims associated with the Americans with Disabilities Act related to the website RockMerch.com, which is owned and operated by the Defendant.
- 2) The Website RockMerch.com maintains a Terms of Service (TOS) Agreement that includes a Dispute Resolution procedure. This Dispute Resolution procedure was established to prevent unneeded and expensive litigation for our customers and RockMerch.com, as seen in the current case, and to prevent unnecessary burdens on the Court. The Plaintiff has chosen to ignore these Dispute Resolution procedures.
- 3) Specifically, Section 12.2 (a) of the RockMerch.com user agreement states as follows: “(a) The parties will attempt in good faith to resolve through negotiation any such dispute, claim, controversy arising of or relating to the TOS or breach of the TOS. Either party may initiate negotiations by providing written notice in letter form to the other party setting forth the subject of the dispute and the relief requested. Within fifteen (15) days after receipt of said notice (or such longer period as may be agreed to by the parties), the receiving party shall submit to the other party a written response. The notice and response shall include (i) a general statement of the party’s position, and (ii) recommended solution to the dispute.”

- 4) Further, the Plaintiff had never notified RockMerch.com of the alleged issues that are the subject of this complaint prior to filing this complaint. That, in combination with the willful disregard of the TOS Dispute Resolution procedures, demonstrates egregious bad faith by the Plaintiff.
- 5) Additionally, section 12.1 of the TOS indicates that the Governing Law and Venue shall be Orange County, California, as follows: “Governing Law and Venue. The construction, interpretation and performance of the TOS and all transactions related thereto shall be governed by and construed in all respects in accordance with the laws of the State of California, without giving effect to the principles of conflicts of law thereof. You irrevocably consent to venue in Orange County, California, and you agree that any mediation, arbitration, action or lawsuit arising under this Agreement or relating to the subject matter thereof shall be maintained in Orange County, California.”
- 6) The appropriate venue for the resolution of this dispute is not the United States District Court, Southern District of New York, but rather the parties working constructively and in Good Faith to resolve this matter using the Dispute Resolution procedures outlined within the RockMerch TOS. Should that effort fail, the geographic venue for this matter is prescribed to be

Orange County, California per the RockMerch TOS. FED. R. CIV. 12(b)(3)
regarding venue is applicable to this Complaint.

WHEREFORE, Defendant requests that this Court grant their Motion to Dismiss
for the above stated reasons.

s/Steven J. Newman

CEO of OfficialMerchandise.com, LLC

Dated: May 23, 2024

STEVEN NEWMAN STEVEN NEWMAN 23046 AVENIDA DE LA CARLOTA, STE 600 LAGUNA HILLS, CA 92653 Attorney For: TELEPHONE NO.: (949) 933-2255 FAX NO. (Optional): E-MAIL ADDRESS (Optional): steve@stevenewman.com				FOR COURT USE ONLY	
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK STREET ADDRESS: 500 PEARL STREET MAILING ADDRESS: CITY AND ZIP CODE: NEW YORK, NY 10007 BRANCH NAME: SOUTHERN					
PLAINTIFF (name each): SANJAY SOOKUL, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED DEFENDANT (name each): OFFICIALMERCHANDISE.COM LLC					
PROOF OF HAND DELIVERY		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: 1:24-cv-3303 Ref No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. 12(b)(3)

NAME OF PARTY: KIMMIA SALEHI, ESQ.

BY LEAVING WITH: 'JOHN DOE' - DID NOT STATE NAME - SECURITY

AGE: 30+ HEIGHT: 5'10 WEIGHT: 220 HAIR: BLACK SKIN: HISPANIC SEX: Male EYES: MARKS:

DATE & TIME OF DELIVERY: 5/24/2024
12:49 PM

ADDRESS, CITY, AND STATE:

100 Duffy Ave Ste 510
Hicksville, NY 11801

MANNER OF SERVICE:

Delivery to Law Office: Service was made by delivery to the attorney's office; or by leaving the document(s) with his clerk over the age of 18 therein; or with a person having charge thereof; or if there was no such person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office. ([CCP 1011(1)])

Fee for Service: \$ 125.00

Registration No.:

County:

JPL PROCESS SERVICE, LLC
14482 BEACH BLVD. STE X
WESTMINSTER, CA 92683
(866) 754-0520



I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on May 24, 2024.

Signature: _____

JOE DeROSA

PROOF OF HAND DELIVERY

Party Name	Case Number	Case Title	Court	Date Filed
Sookul, Sanjay (pla)	<u>1:2022cv09188</u>	Sookul v. Shortboxed LLC	New York Southern District Court	10/26/2022
Sookul, Sanjay (pla)	<u>1:2022cv09191</u>	Sookul v. Lone Star Comics, Inc.	New York Southern District Court	10/26/2022
Sookul, Sanjay (pla)	<u>1:2022cv09197</u>	Sookul v. Elite Comics11 LLC	New York Southern District Court	10/27/2022
Sookul, Sanjay (pla)	<u>1:2022cv09199</u>	Sookul v. ComicLink Services, LLC	New York Southern District Court	10/27/2022
Sookul, Sanjay (pla)	<u>1:2022cv09203</u>	Sookul v. Golden Apple Industries, Inc.	New York Southern District Court	10/27/2022
Sookul, Sanjay (pla)	<u>1:2022cv09776</u>	Sookul v. Worldwide Comics, Inc.	New York Southern District Court	11/16/2022
Sookul, Sanjay (pla)	<u>1:2022cv09780</u>	Sookul v. Goldin Auctions, LLC	New York Southern District Court	11/16/2022
Sookul, Sanjay (pla)	<u>1:2022cv10037</u>	Sookul v. Certified Collectibles Group, LLC	New York Southern District Court	11/25/2022
Sookul, Sanjay (pla)	<u>1:2022cv10128</u>	Sookul v. Diamond Comic Distributors, Inc.	New York Southern District Court	11/29/2022
Sookul, Sanjay (pla)	<u>1:2023cv00375</u>	Sookul v. Antihero Gallery LLC	New York Southern District Court	1/16/2023
Sookul, Sanjay (pla)	<u>1:2023cv00379</u>	Sookul v. Galaxy of Comics	New York Southern District Court	1/16/2023
Sookul, Sanjay (pla)	<u>1:2023cv00382</u>	Sookul v. GoCollect, LLC	New York Southern District Court	1/16/2023
Sookul, Sanjay (pla)	<u>1:2023cv01789</u>	Sookul v. Greg Reece's Rare Comics, LLC	New York Southern District Court	3/1/2023
Sookul, Sanjay (pla)	<u>1:2023cv02391</u>	Sookul v. The 616 Comics LLC	New York Southern District Court	3/21/2023
Sookul, Sanjay (pla)	<u>1:2023cv02394</u>	Sookul v. Bry's Comics, Inc.	New York Southern District Court	3/21/2023
Sookul, Sanjay (pla)	<u>1:2023cv02395</u>	Sookul v. Certified Comic Shop LLC	New York Southern District Court	3/21/2023
Sookul, Sanjay (pla)	<u>1:2023cv02396</u>	Sookul v. Hypno Comics & Games	New York Southern District Court	3/21/2023
Sookul, Sanjay (pla)	<u>1:2023cv02397</u>	Sookul v. Quality Comix, LLC	New York Southern District Court	3/21/2023
Sookul, Sanjay (pla)	<u>1:2023cv06293</u>	Sookul v. The Black Tux, Inc.	New York Southern District Court	7/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv06295</u>	Sookul v. Gymreapers LLC	New York Southern District Court	7/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv06297</u>	Sookul v. Sartoro LLC	New York Southern District Court	7/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv06298</u>	Sookul v. Generation Tux, Inc.	New York Southern District Court	7/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv06827</u>	Sookul v. BYLT Premium Basics, LLC	New York Southern District Court	8/3/2023
Sookul, Sanjay (pla)	<u>1:2023cv06828</u>	Sookul v. Codeage LLC	New York Southern District Court	8/3/2023
Sookul, Sanjay (pla)	<u>1:2023cv06831</u>	Sookul v. BF Sleep LLC	New York Southern District Court	8/3/2023
Sookul, Sanjay (pla)	<u>1:2023cv06833</u>	Sookul v. Philips North America, LLC	New York Southern District Court	8/3/2023
Sookul, Sanjay (pla)	<u>1:2023cv07234</u>	Sookul v. Takeya USA Corporation	New York Southern District Court	8/15/2023
Sookul, Sanjay (pla)	<u>1:2023cv07235</u>	Sookul v. SamaraScents, LLC	New York Southern District Court	8/15/2023
Sookul, Sanjay (pla)	<u>1:2023cv07276</u>	Sookul v. Distacart Inc.	New York Southern District Court	8/16/2023
Sookul, Sanjay (pla)	<u>1:2023cv07277</u>	Sookul v. Print Syndicate, Inc.	New York Southern District Court	8/16/2023
Sookul, Sanjay (pla)	<u>1:2023cv08129</u>	Sookul v. Resident Home LLC	New York Southern District Court	9/14/2023
Sookul, Sanjay (pla)	<u>1:2023cv08132</u>	Sookul v. Resident Home LLC	New York Southern District Court	9/14/2023
Sookul, Sanjay (pla)	<u>1:2023cv08141</u>	Sookul v. Resident Home LLC	New York Southern District Court	9/14/2023
Sookul, Sanjay (pla)	<u>1:2023cv08145</u>	Sookul v. The Wine Group LLC	New York Southern District Court	9/14/2023
Sookul, Sanjay (pla)	<u>1:2023cv08149</u>	Sookul v. Jordan Craig Design, LLC	New York Southern District Court	9/14/2023
Sookul, Sanjay (pla)	<u>1:2023cv09273</u>	Sookul v. Brother's Bond Distilling Company, LLC	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09276</u>	Sookul v. Fresh Vine Wine, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09278</u>	Sookul v. K & Soda, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09282</u>	Sookul v. Pestle, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09284</u>	Sookul v. Funny Water, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09286</u>	Sookul v. Dune Suncare, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv09288</u>	Sookul v. Chamberlain Coffee, Inc.	New York Southern District Court	10/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv10164</u>	Sookul v. Fresh Clean Threads, Inc.	New York Southern District Court	11/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv10168</u>	Sookul v. Bespoken Spirits Inc.	New York Southern District Court	11/20/2023
Sookul, Sanjay (pla)	<u>1:2023cv10810</u>	Sookul v. Stoli Group (USA), LLC	New York Southern District Court	12/12/2023
Sookul, Sanjay (pla)	<u>1:2023cv10811</u>	Sookul v. 222 Spirits Company LLC	New York Southern District Court	12/12/2023
Sookul, Sanjay (pla)	<u>1:2024cv00291</u>	Sookul v. Happy Head, Inc.	New York Southern District Court	1/15/2024
Sookul, Sanjay (pla)	<u>1:2024cv00300</u>	Sookul v. Mantl, Inc.	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00302</u>	Sookul v. Keep Your Cadence, Inc.	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00304</u>	Sookul v. Sauce Ventures, LLC	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00311</u>	Sookul v. Rump, Inc.	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00317</u>	Sookul v. Blue Bottle Coffee, LLC	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00319</u>	Sookul v. SH Beauty Inc.	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00321</u>	Sookul v. Archipelago Group LLC	New York Southern District Court	1/16/2024
Sookul, Sanjay (pla)	<u>1:2024cv00508</u>	Sookul v. Collectors Choice Comics LLC	New York Southern District Court	1/24/2024
Sookul, Sanjay (pla)	<u>1:2024cv00606</u>	Sookul v. R2NET Inc.	New York Southern District Court	1/27/2024
Sookul, Sanjay (pla)	<u>1:2024cv00607</u>	Sookul v. Bird City Comics, LLC	New York Southern District Court	1/27/2024
Sookul, Sanjay (pla)	<u>1:2024cv00608</u>	Sookul v. Obagi Cosmeceuticals LLC	New York Southern District Court	1/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv00668</u>	Sookul v. Enfants Riches Deprimes, LLC	New York Southern District Court	1/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv00669</u>	Sookul v. Byredo USA Inc.	New York Southern District Court	1/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv00670</u>	Sookul v. 40s And Shorties LLC	New York Southern District Court	1/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv00675</u>	Sookul v. Oroboro, Inc.	New York Southern District Court	1/30/2024

Sookul, Sanjay (pla)	<u>1:2024cv02166</u>	Sookul v. Footwear Unlimited, Inc.	New York Southern District Court	3/22/2024
Sookul, Sanjay (pla)	<u>1:2024cv02175</u>	Sookul v. Maceoo LLC	New York Southern District Court	3/22/2024
Sookul, Sanjay (pla)	<u>1:2024cv02177</u>	Sookul v. Olivela Inc.	New York Southern District Court	3/22/2024
Sookul, Sanjay (pla)	<u>1:2024cv02181</u>	Sookul v. DP Dream Pairs Inc.	New York Southern District Court	3/22/2024
Sookul, Sanjay (pla)	<u>1:2024cv02186</u>	Sookul v. Chene Gear Co., LLC	New York Southern District Court	3/22/2024
Sookul, Sanjay (pla)	<u>1:2024cv03253</u>	Sookul v. GlassesEasyBuy Ltd	New York Southern District Court	4/29/2024
Sookul, Sanjay (pla)	<u>1:2024cv03296</u>	Sookul v. One & Only Collective Inc	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03301</u>	Sookul v. ILL Merchandise LLC	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03303</u>	Sookul v. OfficialMerchandise.com LLC	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03306</u>	Sookul v. Giant Vintage Inc.	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03308</u>	Sookul v. Flewd Inc.	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03309</u>	Sookul v. Diotima, Inc.	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03311</u>	Sookul v. Rabot LLC	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03314</u>	Sookul v. Sworld, Inc.	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03318</u>	Sookul v. Chicken Coop Canopy, LLC	New York Southern District Court	4/30/2024
Sookul, Sanjay (pla)	<u>1:2024cv03321</u>	Sookul v. Infinity 1 Incorporated	New York Southern District Court	4/30/2024

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FROM:

Steven Newman
Official Merchandise.com
23046 Avenida de la Carle
Suite 600
Laguna Hills, CA 92653

TO:

The Honorable Judge Can
c/o Pro Se Office
United States District C
for the Southern Distric
of New York

e Pickup.

USPS
SDNY
JUN 14 2024